

1 AN ACT concerning product safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children's Product Safety Act is amended by  
5 changing Sections 10, 15, and 25 and by adding Sections 17 and  
6 27 as follows:

7 (430 ILCS 125/10)

8 Sec. 10. Definitions. In this Act:

9 (a) "Children's product" means a product, including but not  
10 limited to a full-size crib, non-full-size crib, toddler bed,  
11 bed, car seat, chair, high chair, booster chair, hook-on chair,  
12 bath seat, gate or other enclosure for confining a child, play  
13 yard, stationary activity center, carrier, stroller, walker,  
14 swing, or toy or play equipment, that meets the following  
15 criteria:

16 (i) the product is designed or intended for the care  
17 of, or use by, any child under age 12 ~~children under 6~~  
18 ~~years of age or is designed or intended for the care of, or~~  
19 ~~use by, both children under 6 years of age and children 6~~  
20 ~~years of age or older;~~ and

21 (ii) the product is designed or intended to come into  
22 contact with the child while the product is used.

23 Notwithstanding any other provision of this Section, a  
24 product is not a "children's product" for purposes of this Act  
25 if:

26 (I) it may be used by or for the care of a child under  
27 age 12 ~~6 years of age~~, but it is designed or intended for  
28 use by the general population or segments of the general  
29 population and not solely or primarily for use by or the  
30 care of a child; or

31 (II) it is a medication, drug, or food or is intended  
32 to be ingested.

1 (b) "Commercial dealer ~~user~~" means any person who deals in  
2 children's products or who otherwise by one's occupation holds  
3 oneself out as having knowledge or skill peculiar to children's  
4 products, or any person who is in the business of  
5 manufacturing, remanufacturing, retrofitting, selling,  
6 leasing, subletting, or otherwise placing in the stream of  
7 commerce children's products.

8 (c) "Person" means a natural person, firm, corporation,  
9 limited liability company, or association, or an employee or  
10 agent of a natural person or an entity included in this  
11 definition.

12 (d) "Infant" means any person less than 35 inches tall and  
13 less than 3 years of age.

14 (e) "Crib" means a bed or containment designed to  
15 accommodate an infant.

16 (f) "Full-size crib" means a full-size crib as defined in  
17 Section 1508.3 of Title 16 of the Code of Federal Regulations  
18 regarding the requirements for full-size cribs.

19 (g) "Non-full-size crib" means a non-full-size crib as  
20 defined in Section 1509.2 of Title 16 of the Code of Federal  
21 Regulations regarding the requirements for non-full-size  
22 cribs.

23 (Source: P.A. 91-413, eff. 1-1-00.)

24 (430 ILCS 125/15)

25 Sec. 15. Unsafe children's products; prohibition.

26 (a) On or after the effective date of this amendatory Act  
27 of the 93rd General Assembly, no commercial dealer ~~user~~ may  
28 manufacture, remanufacture, retrofit, sell, contract to sell  
29 or resell, lease, sublet, or otherwise place in the stream of  
30 commerce, ~~on or after January 1, 2000,~~ a children's product  
31 that is unsafe.

32 (b) A children's product is deemed to be unsafe for  
33 purposes of this Act if it meets any of the following criteria:

34 (1) It does not conform to all federal laws and  
35 regulations setting forth standards for the children's

1 product.

2 (2) It has been recalled for any reason by an agency of  
3 the federal government or the product's manufacturer,  
4 distributor, or importer and the recall has not been  
5 rescinded.

6 (3) An agency of the federal government has issued a  
7 warning that a specific product's intended use constitutes  
8 a safety hazard and the warning has not been rescinded.

9 (b-5) The Department of Public Health shall do the  
10 following:

11 (1) ~~create,~~ Maintain, and update a comprehensive list  
12 of children's products that have been identified as meeting  
13 any of the criteria set forth in subdivisions (1) through  
14 (3) of ~~this~~ subsection (b).

15 (2) Update the comprehensive list within 24 hours after  
16 the occurrence of any of the criteria set forth in  
17 subsection (b).

18 (3) ~~The Department of Public Health shall~~ Make the  
19 comprehensive list available to the public at no cost and  
20 ~~shall~~ post it on the Internet, ~~and encourage links.~~ The  
21 Internet posting must include links to federal agency web  
22 sites that describe children's product standards or  
23 provide information on children's safety or children's  
24 products.

25 (4) Include information regarding the comprehensive  
26 list of unsafe children's products maintained under this  
27 Section in regular publications or mailings sent to  
28 pediatricians, Special Supplemental Nutrition Program for  
29 Women, Infants and Children (WIC) clinics, and local health  
30 departments.

31 (c) A crib is presumed to be unsafe for purposes of this  
32 Act if it does not conform to the standards endorsed or  
33 established by the Consumer Product Safety Commission,  
34 including but not limited to Title 16 of the Code of Federal  
35 Regulations, and the standards endorsed or established by ASTM  
36 International ~~the American Society for Testing and Materials,~~

1 as follows:

2 (1) Part 1508 of Title 16 of the Code of Federal  
3 Regulations and any regulations adopted to amend or  
4 supplement the regulations.

5 (2) Part 1509 of Title 16 of the Code of Federal  
6 Regulations and any regulations adopted to amend or  
7 supplement the regulations.

8 (3) Part 1303 of Title 16 of the Code of Federal  
9 Regulations and any regulations adopted to amend or  
10 supplement the regulations.

11 (4) The following standards and specifications of ASTM  
12 International ~~the American Society for Testing Materials~~  
13 for corner posts of baby cribs and structural integrity of  
14 baby cribs:

15 (A) ASTM F 966 ~~966-90~~ (corner post standard).

16 (B) ASTM F 1169 ~~1169-88~~ (structural integrity of  
17 full-size baby cribs).

18 (C) ASTM F 1822 ~~1822-97~~ (non-full-size cribs).

19 (d) The Department of Public Health shall make the  
20 requirements set forth in subsection (c) available to the  
21 public. ~~Cribs that are unsafe shall include, but not be limited~~  
22 ~~to, cribs that have any of the following dangerous features or~~  
23 ~~characteristics:~~

24 ~~(1) Corner posts that extend more than one sixteenth of~~  
25 ~~an inch.~~

26 ~~(2) Spaces between side slats more than 2.375 inches.~~

27 ~~(3) Mattress support that can be easily dislodged from~~  
28 ~~any point of the crib. A mattress segment can be easily~~  
29 ~~dislodged if it cannot withstand at least a 25 pound upward~~  
30 ~~force from underneath the crib.~~

31 ~~(4) Cutout designs on the end panels.~~

32 ~~(5) Rail height dimensions that do not conform to both~~  
33 ~~of the following:~~

34 ~~(A) The height of the rail and end panel as~~  
35 ~~measured from the top of the rail or panel in its~~  
36 ~~lowest position to the top of the mattress support in~~

1 ~~its highest position is at least 9 inches.~~

2 ~~(B) The height of the rail and end panel as~~  
3 ~~measured from the top of the rail or panel in its~~  
4 ~~highest position to the top of the mattress support in~~  
5 ~~its lowest position is at least 26 inches.~~

6 ~~(6) Any screws, bolts, or hardware that are loose and~~  
7 ~~not secured.~~

8 ~~(7) Sharp edges, points, or rough surfaces, or any wood~~  
9 ~~surfaces that are not smooth and free from splinters,~~  
10 ~~splits, or cracks.~~

11 ~~(8) Tears in mesh or fabric sides in a non-full-size~~  
12 ~~crib.~~

13 ~~(9) A non-full-size crib that folds in a "V" shape~~  
14 ~~design does not have top rails that automatically lock into~~  
15 ~~place when the crib is fully set up.~~

16 ~~(10) The mattress pad in a non full size mesh/fabric~~  
17 ~~crib exceeds one inch.~~

18 (e) An unsafe children's product, as determined pursuant to  
19 subdivisions (1), (2), and (3) of subsection (b) of this  
20 Section 15, may be retrofitted if the retrofit has been  
21 approved by the agency of the federal government issuing the  
22 recall or warning or the agency responsible for approving the  
23 retrofit is different from the agency issuing the recall or  
24 warning. A retrofitted children's product may be sold if it is  
25 accompanied at the time of sale by a notice declaring that it  
26 is safe to use for a child under age 12 ~~6 years of age~~. The  
27 notice shall include: (1) a description of the original problem  
28 which made the recalled product unsafe; (2) a description of  
29 the retrofit which explains how the original problem was  
30 eliminated and declaring that it is now safe to use for a child  
31 under age 12 ~~6 years of age~~; and (3) the name and address of the  
32 commercial dealer ~~user~~ who accomplished the retrofit  
33 certifying that the work was done along with the name and model  
34 number of the product retrofitted. The commercial dealer ~~user~~  
35 is responsible for ensuring that the notice is present with the  
36 retrofitted product at the time of sale. A retrofit is exempt

1 from this Act if:

2 (i) the retrofit is for a children's product that  
3 requires assembly by the consumer, the approved retrofit is  
4 provided with the product by the commercial dealer ~~user~~,  
5 and the retrofit is accompanied at the time of sale by  
6 instructions explaining how to apply the retrofit; or

7 (ii) the seller of a previously unsold product  
8 accomplishes the repair, approved or recommended by an  
9 agency of the federal government, prior to sale.

10 (Source: P.A. 91-413, eff. 1-1-00.)

11 (430 ILCS 125/17 new)

12 Sec. 17. Product recalls.

13 (a) If a commercial dealer has sold or leased to an  
14 Illinois resident a children's product that is unsafe under  
15 Section 15, or if a commercial dealer has manufactured a  
16 children's product that is unsafe under Section 15, and if that  
17 commercial dealer also maintains a web site, then the  
18 commercial dealer must include the items described in  
19 paragraphs (1) through (3) of this subsection on its web site.  
20 The commercial dealer must include the items on the web site no  
21 later than the day on which a recall press release is issued by  
22 a federal agency (including, but not limited to, the Children's  
23 Products Safety Commission or "CPSC") and must maintain the  
24 items on the web site for the duration of the recall.

25 (1) The home page (or the first entry point to the  
26 commercial dealer's web site) must include a separate  
27 "button", "icon", or "scrolling message" entitled Recall  
28 Safety Alert that links the home page to a separate recall  
29 information page. The "button", "icon", or "scrolling  
30 message" must be in a highly visible location on the home  
31 page or first entry point to the commercial dealer's web  
32 site. The home page design must allow a person visiting the  
33 web site to view the Recall Safety Alert without scrolling  
34 vertically or laterally on that page.

35 (2) The recall page may include only the product recall

1 information and may not include, link to, or otherwise be  
2 combined with sales or marketing information on that  
3 product or any other product. The recall information must  
4 include all of the text (verbatim) in the federal agency  
5 recall press release and a color photo of the recalled  
6 product.

7 (3) The recall page must be interactive to allow  
8 persons to participate in the recall through the commercial  
9 dealer's web site or by linking to the manufacturer's  
10 recall page.

11 (b) Within 30 days after a federal agency issues a recall  
12 press release, a commercial dealer who has sold the recalled  
13 product to an Illinois resident through the commercial dealer's  
14 web site must give notice of the product recall to all Illinois  
15 residents who purchased the recalled product. The notice must  
16 include a description of the product defect and how to  
17 participate in the recall.

18 (c) A commercial dealer who has any retail establishments  
19 in Illinois must post current federal agency recall notices on  
20 unsafe children's products (as defined in Section 15) that were  
21 for sale at any time at each Illinois-based retail  
22 establishment. The notices must be placed in prominent  
23 locations in each store. The recall notices must be posted no  
24 later than the day on which the federal agency issues the  
25 recall press release and must remain posted for a minimum of 60  
26 days. The commercial dealer must keep a copy of the recall  
27 notice concerning any children's product sold in an  
28 Illinois-based retail establishment on file and must make the  
29 copy available to the public upon request for the duration of  
30 the recall.

31 (d) Within 5 days after a recalled children's product is  
32 placed on the Department of Public Health's comprehensive list  
33 maintained under Section 15, a commercial dealer who is not a  
34 party to the issuance of the recall must post the recalled  
35 children's product on the retail establishment's web site as  
36 provided in subsection (a) or must post a notice of the

1 recalled product at each retail establishment in Illinois as  
2 provided in subsection (c).

3 (430 ILCS 125/25)

4 Sec. 25. Penalty. A commercial dealer ~~user~~ who ~~willfully~~  
5 ~~and knowingly~~ violates this Act is subject to a civil penalty  
6 in an amount not to exceed \$1,000 for each day that the  
7 violation continues. The Department of Public Health may impose  
8 a civil penalty under this Section following an administrative  
9 hearing at which the commercial dealer has been afforded an  
10 opportunity to present oral or written evidence, or both. The  
11 Attorney General may bring an action in the circuit court to  
12 enforce the collection of a civil penalty imposed under this  
13 Section. ~~Section 15 is guilty of a Class C misdemeanor.~~

14 (Source: P.A. 91-413, eff. 1-1-00.)

15 (430 ILCS 125/27 new)

16 Sec. 27. Federal requirements. Nothing in this Act relieves  
17 a commercial dealer from compliance with stricter requirements  
18 that may be imposed by an agency of the federal government.

19 (430 ILCS 125/20 rep.)

20 Section 10. The Children's Product Safety Act is amended by  
21 repealing Section 20.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.